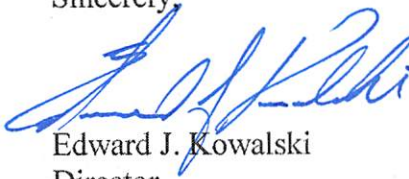


On December 21, 2015, the NPDES Electronic Reporting Rule became effective. Permittees with a DMR requirement will have one year from this date to submit DMRs through NetDMR. Additional information is enclosed (Enclosure A).

Although our goal is to ensure NPDES facilities comply fully with their permits, the ultimate responsibility rests with the permittee. As such, I want to strongly encourage you to continue your efforts to maintain full knowledge of the Permit requirements, and other appropriate statutes, and to take appropriate measures to ensure compliance. Notwithstanding your response to this letter, EPA retains all rights to pursue enforcement actions to address these and any other violations.

I have enclosed a copy of the inspection report (Enclosure B). If you have any questions concerning this matter, please do not hesitate to contact Raymond Andrews of my staff at (206) 553-4252.

Sincerely,



Edward J. Kowalski
Director

Enclosures

cc: Mr. Stephen Berry
Idaho Department of Environmental Quality
stephen.berry@deq.idaho.gov

Mr. David Anderson
Idaho Department of Environmental Quality
Twin Falls Regional Office
david.anderson@deq.idaho.gov

JULY 2015 INSPECTION

Part II.F.2 of the Permit states, "Throughout all sample collection and analysis activities, the permittee must use the EPA-approved quality assurance and quality control (QA/QC) and chain-of-custody procedures described in Requirements for Quality Assurance Project Plans (EPA/QA/R-5) and Guidance for Quality Assurance Project Plans (EPA/QA/G-5). The Quality Assurance (QA) Plan must be prepared in the format that is specified in these documents."

At the time of the inspection, the inspector noted that the QA Plan did not follow the required format as described in Requirements for Quality Assurance Project Plans (EPA/QA/R-5) and Guidance for Quality Assurance Project Plans (EPA/QA/G-5). This is a violation of Part II.F.2 of the Permit.

AREA OF CONCERN

1. Part II.F.1 of the Permit states, "The QA Plan must be designed to assist in planning for the collection and analysis of effluent and receiving water samples in support of the permit and in explaining data anomalies when they occur."

At the time of the inspection, the inspector noted that the QA Plan only contained general descriptions for sampling and shipping methods, and laboratory delivery requirements. The document did not appear to contain the required detail necessary for it to assist in the planning for collection and analysis of effluent and receiving water sample analysis.

2. Part II.F.3.b of the Permit states that the QA Plan must include "description of flow measuring devices or methods used to measure influent and/or effluent flow at each point, calibration procedures, and calculations used to convert to flow units."

At the time of the inspection, the inspector noted that the QA Plan only contained general statements on flow measuring devices for influent and effluents at each point, calibration procedures, and calculations. These areas lack sufficient detail to ensure proper maintenance and functioning of the testing instruments.

3. Part II.F.3.a of the Permit states that the QA Plan must include "details on the number of samples, type of sample containers, preservation of samples including temperature requirements, holding times, analytical methods, analytical detection and quantification limits for each parameter, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements."

At the time of the inspection, the inspector noted that the QA Plan only contained general statements on instrument testing, inspection and maintenance; instrument calibration and frequency; inspection for supplies and consumables; non-direct measurements; and data management. These areas lack sufficient detail to assist in planning for the collection and analysis of effluent and receiving water samples.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

MAY _ 2 2016

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-101

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

NOTICE OF VIOLATION

Mr. Lynn Babington
President
Ark Fisheries
1107 East 2900 South
Hagerman, Idaho 83332

Re: Bell Fish Ponds
NPDES Permit Number IDG130049

Dear Mr. Babington:

On behalf of the United States Environmental Protection Agency (EPA), I would like to express my appreciation for your time and cooperation during the July 22, 2015, Clean Water Act (CWA) inspection of Bell Fish Ponds ("Facility") by the Idaho Department of Environmental Quality (IDEQ) on behalf of EPA. The purpose of the inspection, and subsequent EPA administrative file review, which included Discharge Monitoring Reports (DMRs) submitted by the Facility, was to determine compliance with the requirements of the CWA and the National Pollution Discharge Elimination System (NPDES) general permit number IDG130049 ("Permit") for *Aquaculture Facilities in Idaho, subject to Wasteload Allocations under Selected Total Maximum Daily Loads*. The purpose of this letter is to notify you of the results of the IDEQ inspection and EPA administrative file review.

REVIEW OF ADMINISTRATIVE FILES

Part V.B. of the Permit states, "The permittee must summarize monitoring results, including influent, effluent, and net results, each month on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1) or equivalent."

Part V.B.1 of the Permit states, "The permittee must submit reports monthly, postmarked by the 20th day of the following month."

During EPA review of DMRs from February 2011 through February 2016, it was found that the Facility submitted one DMR late. The May 2012 DMR was due to be postmarked by June 20, 2012, but was not received until August 29, 2012. It was also found that the one DMR was never received. The DMR for April 2012 was required to be postmarked by May 20, 2012, but it was never received. These are violations under Part V.B. and V.B.1 of the Permit.